

JAN 29 2001

LABOR & INDUSTRIAL RELATIONS

HOUSE FILE

122

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MASCHER, JOCHUM, and CHIODO

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

HF 122

1 An Act relating to employee choice of medical care in workers'
2 compensation.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 85.27, unnumbered paragraph 4, Code
2 2001, is amended to read as follows:

3 For purposes of this section, the employer is obliged to
4 furnish reasonable services and supplies to treat an injured
5 employee, and ~~has the right to choose the care~~ the employee
6 has the right to choose the employee's care at the employer's
7 expense if the employer is notified of the choice. The
8 treatment must be offered promptly and be reasonably suited to
9 treat the injury without undue inconvenience to the employee.

10 If the ~~employee~~ employer has reason to be dissatisfied with
11 the care offered, the ~~employee~~ employer should communicate the
12 basis of such dissatisfaction to the ~~employer~~ employee, in
13 writing if requested, following which the employer and the
14 employee may agree to alternate care reasonably suited to
15 treat the injury. If the employer and employee cannot agree
16 on such alternate care, the commissioner may, upon application
17 and reasonable proofs of the necessity therefore, allow and
18 order other care. ~~In an emergency, the employee may choose~~
19 ~~the employee's care at the employer's expense, provided the~~
20 ~~employer or the employer's agent cannot be reached~~

21 ~~immediately.~~ An application made under this paragraph shall
22 be considered an original proceeding for purposes of
23 commencement and contested case proceedings under section
24 85.26. The hearing shall be conducted pursuant to chapter
25 17A. Before a hearing is scheduled, the parties may choose a
26 telephone hearing or an in-person hearing. A request for an
27 in-person hearing shall be approved unless the in-person
28 hearing would be impractical because of the distance between
29 the parties to the hearing. The workers' compensation
30 commissioner shall issue a decision within ten working days of
31 receipt of an application for alternate care made pursuant to
32 a telephone hearing or within fourteen working days of receipt
33 of an application for alternate care made pursuant to an in-
34 person hearing. ~~The employer shall notify an injured employee~~
35 ~~of the employee's ability to contest the employer's choice of~~

1 ~~care-pursuant-to-this-paragraph.~~ This paragraph does not
2 prohibit an employer from retaining a physician or other
3 health service provider for use by employees.

4 EXPLANATION

5 This bill provides that an employee, based on an injury
6 compensable under the workers' compensation law, has the right
7 to choose the care at the employer's expense if the employer
8 is notified of the choice. The employer has the right to
9 challenge this choice and to request a decision by the
10 workers' compensation commissioner. Currently, the employer
11 has the right to choose the care of an injured employee,
12 subject to the employee's right to choose the care in an
13 emergency situation and subject to the ability of the employee
14 to challenge the choice before the workers' compensation
15 commissioner. The bill also does not prohibit an employer
16 from making medical care available to employees.

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